

United States District Court **FILED**

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JAN -9 2020

VENUE: SAN FRANCISCO

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

V.

CRB
CR 20 0007

GREGORY BARRETT,

UNDER SEAL

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1341 – Mail Fraud;
18 U.S.C. § 1028(a)(7) – Fraudulent Use of Means of Identification;
18 U.S.C. § 1029(a)(1) – Fraudulent Use of Counterfeit Access Device;
18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 1028(b), and 1029(c)(1)(C), and 28 U.S.C.
§ 2461(c) – Forfeiture Allegation.

A true bill.

Foreman

Filed in open court this 9 day of January 2020.

Clerk

SALLIE KIM
United States Magistrate Judge

Bail, \$ NO BAIL ARREST WARRANT

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 COUNT 1: 18 U.S.C. § 1341 – Mail Fraud
 COUNT 2: 18 U.S.C. § 1028(a)(7) – Fraudulent Use of Means of Identification
 COUNT 3: 18 U.S.C. § 1029(a)(1) – Fraudulent Use of Counterfeit Access Device

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: COUNT 1: Max. 20 yrs imprisonment, \$250,000 fine, 3 yrs sup. rel., \$100 fee, and forfeiture. COUNT 2: Max. 5 yrs imprisonment, \$250,000 fine, 3 yrs sup. rel., \$100 fee, and forfeiture. COUNT 3: Max. 10 yrs imprisonment, \$250,000 fine, 3 yrs sup. rel., \$100 fee, and forfeiture.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

GREGORY BARRETT

DISTRICT COURT NUMBER

CR 20 0007

CRB

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

US POSTAL INSPECTION SERVICE

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

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 CLERK, U.S. DISTRICT COURT
 NORTH DISTRICT OF CALIFORNIA

☐ Federal ☐ State

Name and Office of Person

Furnishing Information on this form DAVID L. ANDERSON

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) CHRISTINA LIU

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

FILED

JAN -9 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

DAVID L. ANDERSON (CABN 149604)
United States Attorney

UNDER SEAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CRB

CR 20 0007

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY BARRETT,

Defendant.

CASE NO.

VIOLATIONS:

18 U.S.C. § 1341 – Mail Fraud;
18 U.S.C. § 1028(a)(7) – Fraudulent Use of Means of
Identification;
18 U.S.C. § 1029(a)(1) – Fraudulent Use of
Counterfeit Access Device;
18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 1028(b),
and 1029(c)(1)(C), and 28 U.S.C. § 2461(c) –
Forfeiture Allegation.

[UNDER SEAL]

INDICTMENT

The Grand Jury charges:

Introductory Allegations

At all times relevant to this Indictment, unless otherwise indicated:

1. Defendant GREGORY BARRETT resided in the Northern District of California.

2. Target, Inc. (“Target”) was a company based in Minneapolis, Minnesota, that operates general merchandise and food stores. Target also offers credit and debit accounts to applicants through branded proprietary credit and debit cards.

3. The Kellogg Company, d/b/a Kellogg’s, was a food manufacturing company headquartered in Battle Creek, Michigan.

INDICTMENT
[UNDER SEAL]

THE “PERSON 1” SCHEME TO DEFRAUD TARGET

COUNT ONE: (18 U.S.C. § 1341 – Mail Fraud)

4. The above allegations in this Indictment are incorporated by reference

5. On or about November 7, 2018, in the Northern District of California, the defendant,

GREGORY BARRETT,

for the purpose of executing a material scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, and by means of omission and concealment of material facts, did knowingly and intentionally cause to be sent by means of the Postal Service and an interstate commercial carrier property, specifically, a Target-brand debit card, as further set out below, in violation of Title 18, United States Code, Section 1341.

Manner and Means of the “Person 1” Scheme to Defraud Target

6. From in or about November 2018 and continuing to in or about December 2018, BARRETT knowingly and intentionally participated in, devised, and intended to devise a scheme to defraud Target, and to obtain money and property by means of materially false and fraudulent pretenses, representations, promises, and material omissions with a duty to disclose.

7. To carry out his scheme, BARRETT falsely and without authorization used the identity of a person known to the Grand Jury and referred to herein as “Person 1.”

8. In furtherance of his scheme, on or about November 7, 2018, BARRETT entered a Target store located in Santa Rosa, California. Once inside, BARRETT falsely identified himself as Person 1 and fraudulently submitted an application for a Target-brand debit card using Person 1’s name, date of birth, and Social Security number.

9. Based on the material and false representations that BARRETT made in applying for the debit card, Target issued BARRETT temporary access to a Target debit card account in Person 1’s name. BARRETT used the Target debit card account to purchase a prepaid gift card that had been shipped to California from another state.

Use of the Mails in Furtherance of the “Person 1” Scheme to Defraud Target

10. In furtherance of his scheme, and as a result of the material misrepresentations BARRETT made to Target as described in the paragraphs above, BARRETT caused to be sent to Person

1 1 by means of the United States Postal Service and an interstate commercial carrier a Target debit card
2 issued in Person 1's name.

3
4 COUNT TWO: (18 U.S.C. § 1028(a)(7) – Fraudulent Use of Means of Identification)

5 11. The above allegations in this Indictment are incorporated by reference

6 12. On or about November 7, 2018, in the Northern District of California, the defendant,

7 GREGORY BARRETT,

8 did knowingly and intentionally use in or affecting interstate or foreign commerce, without lawful
9 authority, a means of identification of another person, specifically, the name, date of birth, and Social
10 Security number of Person 1, knowing that the means of identification belonged to Person 1, and with
11 the intent to commit, and to aid or abet, and in connection with, the crime of mail fraud in violation of
12 Title 18, United States Code, Section 1341, all in violation of Title 18, United States Code, Section
13 1028(a)(7).

14
15 THE SCHEME TO DEFRAUD KELLOGG'S

16 COUNT THREE: (18 U.S.C. § 1029(a)(1) – Fraudulent Use of Counterfeit Access Device)

17 13. The above allegations in this Indictment are incorporated by reference

18 14. In or about February 2019, in the Northern District of California, the defendant,

19 GREGORY BARRETT,

20 knowingly and with intent to defraud used one or more counterfeit access devices, specifically, bank
21 account information on counterfeit checks, with said use affecting interstate and foreign commerce, in
22 violation of Title 18, United States Code, Section 1341, all in violation of Title 18, United States Code,
23 Section 1029(a)(1).

1 FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), 1028(b), 1029(c)(1)(C),
2 and 28 U.S.C. § 2461(c))

3 15. The above allegations in this Indictment are incorporated by reference for the purpose of
4 alleging forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(B),
5 1028(b), and 1029(c)(1)(C), and Title 28, United States Code, Section 2461(c).

6 16. Upon conviction of any offense alleged in Count One of this Indictment, the defendant,
7
8 GREGORY BARRETT,
9 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
10 Title 28, United States Code, Section 2461(c), any property constituting or derived from proceeds the
11 defendant obtained, directly or indirectly, as the result of such violation, including but not limited to a
12 forfeiture money judgment and: One black Dell laptop bearing serial number CN-0G848F-70166-029-
13 05KC-A00.

14 17. Upon conviction of any offense alleged in Count Two of this Indictment, the defendant,
15
16 GREGORY BARRETT,
17 shall forfeit to the United States, pursuant to Title 18, United States Code,
18 Sections 982(a)(2)(B) and 1028(b), all property constituting and derived from or traceable to any
19 proceeds the defendant obtained, directly or indirectly, as a result of said violations, and any property
20 used or intended to be used to facilitate the commission of the offense, including but not limited to a
21 forfeiture money judgment and: One black Dell laptop bearing serial number CN-0G848F-70166-029-
22 05KC-A00.

23 18. Upon conviction of any offense set forth in Count Three this Indictment, the defendant,
24
25 GREGORY BARRETT,
26 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 982(a)(2)(B) and
27 1029(c)(1)(C), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a
28 result of such violations and any property used or intended to be used to commit the offenses, including
but not limited to a forfeiture money judgment and: One black Dell laptop bearing serial number CN-
0G848F-70166-029-05KC-A00.

1 19. If any of the property described above, as a result of any act or omission of the defendant:

- 2 a. cannot be located upon exercise of due diligence;
- 3 b. has been transferred or sold to, or deposited with, a third party;
- 4 c. has been placed beyond the jurisdiction of the court;
- 5 d. has been substantially diminished in value; or
- 6 e. has been commingled with other property which cannot be divided without
- 7 difficulty,

8 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
9 United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1)
10 and 1029(c)(2).

11 All pursuant to Title 18, United States Code, Sections 981(a)(1)(C), 982(a)(2)(B), 1028(b), and
12 1029(c)(1)(C), and Title 28, United States Code, Section 2461(c), and Federal Rule of Criminal
13 Procedure 32.2.

14
15 DATED: *9 January 2020*

A TRUE BILL.

16
17 
18 FOREPERSON
San Francisco, California

19 DAVID L. ANDERSON
20 United States Attorney

21 
22 CHRISTINA LIU
23 Assistant United States Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FILED

JAN - 9 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

CRIMINAL COVER SHEET

Instructions: Effective November 1, 2016, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case.

CRB

CASE NAME:

USA v. GREGORY BARRETT

CASE NUMBER:

CR 20 0007

CR

Is This Case Under Seal?

Yes ☒ No

Total Number of Defendants:

1 ☒ 2-7

8 or more

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes No ☒

UNDER SEAL

Venue (Per Crim. L.R. 18-1):

SF ☒ OAK SJ

Is this a potential high-cost case?

Yes No ☒

Is any defendant charged with a death-penalty-eligible crime?

Yes No ☒

Is this a RICO Act gang case?

Yes No ☒

Assigned AUSA

(Lead Attorney): AUSA Christina Liu

Date Submitted: 1/9/20

Comments:

CR 20-0007 CRB